

**REMARKS**

Claims 3 to 23 are all the claims pending in the application, prior to the present Amendment.

Applicants have canceled claim 7.

The Examiner has withdrawn the previous rejections set forth in the Office Action of November 3, 2008, but has entered a new rejection of claims 3 to 7 and 23 and a new rejection of claims 8 to 12. Each of these new rejections is based on U.S. Patent Application Publication No. 2004/0079446 to Kogure et al.

Applicants submit that Kogure et al is not a valid reference against each of the rejected claims which remain in the application.

In particular, the present application claims the benefit of U.S. Provisional Application No. 60/424,015, filed on November 6, 2002. This date is before the August 18, 2003 filing date of Kogure et al. Thus, Kogure et al cannot be used against the present application for any claim of the present application that is supported by the Provisional Application.

Applicants submit that the Provisional Application No. 60/424,015 supports each of the rejected claims which remain in the application.

In view of the above, applicants request withdrawal of each of the two rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

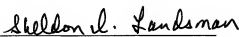
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**23373**

CUSTOMER NUMBER

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